

REMARKS

Reconsideration of this application, as amended, is respectfully requested.

Claims 1-20 are pending. Claims 1-20 stand rejected.

Claims 1-2, 4-8, 10-18, 18, and 20 have been amended. No claims have been canceled.

No claims have been added. Support for the amendments is found in the specification, the drawings, and in the claims as originally filed. applicant submits that the amendments do not add new matter.

Applicant reserves all rights with respect to the applicability of the Doctrine of Equivalents.

REJECTIONS UNDER 35 U.S.C. § 102

Claims 1, 2, 9, 16 and 18-20 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,758,328 to Giovannoli ("Giovannoli").

Applicant has amended claim 1 particularly point out that potential bidders for an auction are automatically selected in response to the good or service identified in the buyer's request. The auction is conducted that includes electronically accepting bids from each of the automatically selected potential bidders in the selected group.

Giovannoli discloses processing requests for quotation. More specifically, Giovannoli discloses broadcasting the request for quotation of products based on the filter conditions specified by the buyer, to prospective sellers. The seller's responses that are compatible to the filter conditions are communicated to the buyers (col. 2, line 35-col. 3, line 20).

Thus, Giovannoli merely discloses broadcasting the request for products to prospective sellers, in contrast to automatically selecting potential bidders for an auction in response to the good or service identified in the buyer's request, as recited in amended claim 1. Additionally, Giovannoli fails to disclose conducting the auction that includes electronically accepting bids

from each of the automatically selected potential bidders in the selected group, as recited in amended claim 1.

Because Giovannoli does not disclose all limitations of amended claim 1, applicant respectfully submits that amended claim 1 is not anticipated under 35 U.S.C. § 102(b) by Giovannoli.

Given that amended claims 18 and 20 contain the limitations related to the limitations discussed with respect to amended claim 1, applicant respectfully submits that amended claims 18 and 20 are not anticipated under 35 U.S.C. § 102(b) by Giovannoli.

Because claims 2-17 and 19 depend from amended claims 1 and 18 respectively, and add additional limitations, applicant respectfully submits that claims 2-17 and 19 are not anticipated under 35 U.S.C. § 102(b) by Giovannoli.

Claims 1 and 7-10 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,794,207 to Walker (“Walker ’207”).

Walker’207 discloses communicating a conditional purchase offer from a buyer to potential sellers. More specifically, Walker ’207 merely discloses receiving a conditional purchase offer from a buyer and making the conditional purchase offer available to potential sellers (col. 18, lines 24-13).

Thus, Walker ’207 merely discloses making the conditional purchase offer available to potential sellers, in contrast to automatically selecting potential bidders for an auction in response to the good or service identified in the buyer's request, as recited in amended claim 1. Additionally, Walker ’207 fails to disclose conducting the auction that includes electronically accepting bids from each of the potential bidders in the selected group, as recited in amended claim 1.

Because Walker '207 does not disclose all limitations of amended claim 1, applicant respectfully submits that amended claim 1 is not anticipated under 35 U.S.C. § 102(b) by Walker '207.

Because claims 7-10 depend from amended claim 1, and add additional limitations, applicant respectfully submits that claims 7-10 are not anticipated under 35 U.S.C. § 102(b) by Giovannoli.

REJECTIONS UNDER 35 U.S.C. § 103

Claim 3 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Giovannoli in view of U.S. Patent No. 6,415,264 to Walker ("Walker '264").

Giovannoli discloses processing requests for quotation. More specifically, Giovannoli discloses broadcasting the request for quotation of products based on the filter conditions specified by the buyer and seller, to prospective sellers (col. 2, lines 35-48). The filter compatible seller's responses are communicated to the buyers (col. 2, lines 48-50).

Walker '264 discloses determining an amount paid to a seller in exchange for posting for a product. More specifically, Walker '264 discloses receiving the information about a post for a product to be sold. Based on the received information, a posting payment amount is determined (col. 5, line 14-col. 6, line 47).

It is respectfully submitted that Giovannoli does not teach or suggest a combination with Walker '264, and Walker '264 does not teach or suggest a combination with Giovannoli. Giovannoli addresses communicating requests for quotation between buyers and sellers. Walker '264 addresses posting for the products by the seller. It would be impermissible hindsight, based on the applicant's own disclosure, to combine Giovannoli and Walker '264.

Furthermore, even if Giovannoli and Walker '264 were combined, such a combination would lack the following limitations of amended claim 1: automatically selecting potential

bidders for an auction in response to the good or service identified in the buyer's request by querying a database that includes a plurality of groups of potential bidders, wherein each of the groups of potential bidders is associated with purchasing requests directed to a particular good or service, as recited in amended claim 1. Additionally, a combination of Giovannoli and Walker '264 fails to disclose conducting the auction that includes electronically accepting bids from each of the automatically selected potential bidders in the selected group, as recited in amended claim 1.

Therefore, applicant respectfully submits that amended claim 1 is not obvious under 35 U.S.C. § 103(a) over Giovannoli in view of Walker '264.

Because claim 3 depends from amended claim 1, and adds additional limitations, applicant respectfully submits that claim 3 is not obvious under 35 U.S.C. § 103(a) over Giovannoli in view of Walker '264.

Claims 4-6, 11 and 12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Giovannoli.

As set forth above, Giovannoli discloses processing requests for quotation. More specifically, Giovannoli discloses broadcasting the request for quotation of products based on the filter conditions specified by the buyer and seller, to prospective sellers (col. 2, lines 35-48). The filter compatible seller's responses are communicated to the buyers (col. 2, lines 48-50).

It is respectfully submitted that Giovannoli does not teach or suggest automatically selecting potential bidders for an auction in response to the good or service identified in the buyer's request by querying a database that includes a plurality of groups of potential bidders, wherein each of the groups of potential bidders is associated with purchasing requests directed to a particular good or service, as recited in amended claim 1, as recited in amended claim 1. Additionally, Giovannoli fails to teach or suggest conducting the auction that includes

electronically accepting bids from each of the potential bidders in the selected group, as recited in amended claim 1.

Therefore, it is respectfully submitted that amended claim 1 is not obvious under 35 U.S.C. § 103(a) over Giovannoli.

Because claims 4-6, 11, and 12 depend from amended claim 1, and add additional limitations, applicant respectfully submits that claims 4-6, 11, and 12 are not obvious under 35 U.S.C. § 103(a) over Giovannoli.

Claims 13 and 14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Giovannoli in view of U.S. Patent No. 5,905,975 to Ausubel.

As set forth above, Giovannoli discloses processing requests for quotation. More specifically, Giovannoli discloses broadcasting the request for quotation of products based on the filter conditions specified by the buyer and seller, to prospective sellers (col. 2, lines 35-48). The filter compatible seller's responses are communicated to the buyers (col. 2, lines 48-50).

Ausubel discloses an auctioneer's system and a plurality of users. More specifically, Ausubel discloses that after a user chooses a product, the user submits a bid to the auctioneer's system (col. 1, line 60- col. 2, line 30).

It is respectfully submitted that Giovannoli does not teach or suggest a combination with Ausubel, and Ausubel does not teach or suggest a combination with Giovannoli. Giovannoli addresses a problem of communicating quotations for products between buyers and sellers. Ausubel addresses a problem of submitting bids to the auction.

It would be impermissible hindsight, based on the applicant's own disclosure, to combine Giovannoli and Ausubel.

Furthermore, even if Giovannoli and Ausubel were combined, such a combination would lack the following limitations of amended claim 1: automatically selecting potential bidders for an auction in response to the good or service identified in the buyer's request by querying a

database that includes a plurality of groups of potential bidders, wherein each of the groups of potential bidders is associated with purchasing requests directed to a particular good or service, as recited in amended claim 1. Additionally, a combination of Giovannoli and Ausubel fails to disclose conducting the auction that includes electronically accepting bids from each of the automatically selected potential bidders in the selected group, as recited in amended claim 1.

Therefore, applicant respectfully submits that amended claim 1 is not obvious under 35 U.S.C. § 103(a) over Giovannoli in view of Ausubel.

Because claims 13 and 14 depend from amended claim 1, and adds additional limitations, applicant respectfully submits that claims 13 and 14 are not obvious under 35 U.S.C. § 103(a) over Giovannoli in view of Ausubel.

Claims 15 and 17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Giovannoli in view of U.S. Patent No. 5,890,138 to Godin.

As set forth above, Giovannoli discloses processing requests for quotation. More specifically, Giovannoli discloses broadcasting the request for quotation of products based on the filter conditions specified by the buyer and seller, to prospective sellers (col. 2, lines 35-48). The filter compatible seller's responses are communicated to the buyers (col. 2, lines 48-50).

Godin discloses a reverse auction system that provides a rapid feedback for the users (bidders). More specifically, Godin discloses that an auction system presents products that are available on sale to a user and provides price information to the user (col. 1, line 57-col. 2, line 14). The user then informs the auction system about the decision to purchase the product at the current price. The system removes the user from the auction when the purchase indication from the user has been received (col. 8, line 48-col. 9, line 25).

It is respectfully submitted that Giovannoli does not teach or suggest a combination with Godin, and Godin does not teach or suggest a combination with Giovannoli. Giovannoli teaches communicating quotations for products between buyers and sellers. Godin teaches providing a

feedback in a reverse auction. It would be impermissible hindsight, based on the applicant's own disclosure, to combine Giovannoli and Godin.

Furthermore, even if Giovannoli and Godin were combined, such a combination would lack the following limitations of amended claim 1: automatically selecting potential bidders for an auction in response to the good or service identified in the buyer's request by querying a database that includes a plurality of groups of potential bidders, wherein each of the groups of potential bidders is associated with purchasing requests directed to a particular good or service, as recited in amended claim 1. Additionally, a combination of Giovannoli and Godin fails to disclose conducting the auction that includes electronically accepting bids from each of the automatically selected potential bidders in the selected group, as recited in amended claim 1.

Therefore, applicant respectfully submits that amended claim 1 is not obvious under 35 U.S.C. § 103(a) over Giovannoli in view of Godin.

Because claims 15 and 17 depend from amended claim 1, and adds additional limitations, applicant respectfully submits that claims 15 and 17 are not obvious under 35 U.S.C. § 103(a) over Giovannoli in view of Godin.

CONCLUSION

It is respectfully submitted that in view of the amendments and arguments set forth herein, the applicable rejections and objections have been overcome. If there are any additional charges, please charge Deposit Account No. 02-2666 for any fee deficiency that may be due.

Respectfully submitted,

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By: _____



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